

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL DUANE TURNBO,

Plaintiff,

v.

KILOLO KAJIKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 2:20-cv-00264 KJM CKD (SS)

ORDER

Plaintiff seeks judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying an application for disability and disability insurance benefits under Title II of the Social Security Act (“Act”).

On July 30, 2021, the magistrate judge filed findings and recommendations, which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDRED that:

- 4 1. The July 30, 2021 findings and recommendations are adopted in full;
5 2. Plaintiff’s motion for summary judgment (ECF No. 17) is granted;
6 3. The Commissioner’s cross-motion for summary judgment (ECF No. 19) is denied; and
7 4. The matter is remanded for further administrative proceedings consistent with the
8 magistrate judge’s observations made in the findings and recommendations.

9 DATED: September 20, 2021.

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12 CHIEF UNITED STATES DISTRICT JUDGE
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